

#28 RCE

M. Bauman

PTO SB 36 (08-01)

Approved for use through 10/31/2002 OMB 0651-0031  
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3/20/02

# REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000,  
provides for continued examination of an utility or plant application  
filed on or after June 8, 1995.  
See The American Inventors Protection Act of 1999 (AIPA).

Application Number	08/808,315
Filing Date	February 28, 1997
First Named Inventor	KINOSHITA ET AL.
Group Art Unit	2881
Examiner Name	James Menefee
Attorney Docket Number	81880.0087

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

**NOTE:** 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/STB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50092 (Aug. 18, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

## 1. Submission required under 37 C.F.R. § 1.114

- a. ☒ Previously submitted
- i. ☒ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on August 24, 2001  
(Any unentered amendment(s) referred to above will be entered).
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
- iii. ☐ Other \_\_\_\_\_
- b. ☐ Enclosed
- i. ☐ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Other \_\_\_\_\_

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## 2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b. ☐ Other \_\_\_\_\_

## 3. Fees

The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 50-1314
- i. ☒ RCE fee required under 37 C.F.R. § 1.17(e) **\$740**
- ii. ☒ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17) **\$810**
- iii. ☐ Other \_\_\_\_\_
- b. ☒ Check in the amount of **\$740 and \$810** enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Lawrence J. McClure	Registration No. (Attorney/Agent)	44,228
Signature	<i>Lawrence J. McClure</i>	Date	October 24, 2001

## CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner For Patents, Box RCE, Washington, DC 20231, or facsimile transmitted to the U.S. Patent and Trademark Office on:

Name (Print/Type)	Diane Zynn	Date	October 24, 2001
Signature	<i>Diane Zynn</i>		

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND Fees and Completed Forms to the following address: Assistant Commissioner for Patents, Box RCE, Washington, DC 20231.

HOGAN & HARTSON LLP  
PATENT ACCOUNT- LA OFFICE  
BILTMORE TOWER, 500 S GRAND AVE.  
SUITE 1900  
LOS ANGELES, CA 90071

BANK OF AMERICA, NA  
WASHINGTON, DC 20006  
15-120/540

12993

10/24/2001

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MEMO 81880.0087 Filing Fee for RCE

*Wendy Boy*

⑈012993⑈ ⑆054001204⑆ 1920552190⑈

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PTO/SB/17 (11-00)

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# FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT

(\$)

## Complete if Known

Application Number	08/808,315
Filing Date	February 28, 1997
First Named Inventor	KINOSHITA ET AL.
Examiner Name	James Menefee
Group Art Unit	2881
Attorney Docket No.	81880.0087

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## METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:
- Deposit Account Number **50-1314**
- Deposit Account Name **Hogan & Hartson L.L.P.**
- ☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17
- ☐ Applicant claims small entity status. See 37 CFR 1.27
2. ☒ Payment Enclosed:
- ☒ Check ☐ Credit card ☐ Money Order ☐ Other

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity Code	Small Entity Code	Fee (\$)	Fee Description	Fee Paid
101	710	201	Utility filing fee	740
106	320	206	Design filing fee	
107	490	207	Plant filing fee	
108	710	208	Reissue filing fee	
114	150	214	Provisional filing fee	

SUBTOTAL (1) (\$)

740

## 2. EXTRA CLAIM FEES

Total Claims **3** - 20\*\* = **0** x **18** = **0**

Independent Claims **1** - 3\*\* = **0** x **84** = **0**

Multiple Dependent Claims  =

Large Entity Code	Small Entity Code	Fee (\$)	Fee Description
103	18	203	9 Claims in excess of 20
102	80	202	40 Independent claims in excess of 3
104	270	204	135 Multiple dependent claim, if not paid
109	80	209	40 Reissue independent claims over original patent
110	18	210	9 Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)

0

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

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## 3. ADDITIONAL FEES

Large Entity Code	Small Entity Code	Fee (\$)	Fee Description	Fee Paid
105	130	205	65 Surcharge - late filing fee or oath	
127	50	227	25 Surcharge - late provisional filing fee or cover sheet	
139	130	139	130 Non-English specification	
147	2,520	147	2,520 For filing a request for <i>ex parte</i> reexamination	
112	920*	112	920* Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840* Requesting publication of SIR after Examiner action	
115	110	215	55 Extension for reply within first month	
116	390	216	195 Extension for reply within second month	
117	890	217	445 Extension for reply within third month	810
118	1,390	218	695 Extension for reply within fourth month	
128	1,090	228	945 Extension for reply within fifth month	
119	310	219	155 Notice of Appeal	
120	310	220	155 Filing a brief in support of an appeal	
121	270	221	135 Request for oral hearing	
138	1,510	138	1,510 Petition to institute a public use proceeding	
140	110	240	55 Petition to revive - unavoidable	
141	1,240	241	620 Petition to revive - unintentional	
142	1,240	242	620 Utility issue fee (or reissue)	
143	440	243	220 Design issue fee	
144	600	244	300 Plant issue fee	
122	130	122	130 Petitions to the Commissioner	
123	50	123	50 Processing fee under 37 CFR 1.17(q)	
126	180	126	180 Submission of Information Disclosure Stmt	
581	40	581	40 Recording each patent assignment per property (times number of properties)	
146	710	246	355 Filing a submission after final rejection (37 CFR § 1.129(a))	
149	710	249	355 For each additional invention to be examined (37 CFR § 1.129(b))	
179	710	279	355 Request for Continued Examination (RCE)	740
169	800	169	900 Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

1,550

## SUBMITTED BY

## Complete if applicable

Name (Print/Type)	Lawrence J. McClure	Registration No. (Attorney/Agent)	44,228	Telephone	213/337-6810
Signature	<i>Lawrence J. McClure</i>	Date	October 24, 2001		

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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PATENT 81880.0087

COMMISSIONER FOR PATENTS

In re application of: Hiroyuki KINOSHITA et al.

Art Unit: 2881

Serial No: 08/808,315

Examiner: James Menefee

Filed: February 28, 1997

For: SAPPHIRE SINGLE CRYSTAL,  
SEMICONDUCTOR LASER DIODE USING THE  
SAME FOR SUBSTRATE, AND METHOD FOR  
MANUFACTURING THE SAME (As Amended)

CERTIFICATE OF FACSIMILE TRANSMISSION

Attention: Examiner James Menefee

Commissioner for Patents  
Washington, D.C. 20231

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FAX: 703-308-7722 [7 pages]  
TEL: 703-605-4367

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Dear Sirs:

I hereby certify that the following copies of documents that were filed in the Patent Office on October 24, 2002:

- ☒ Postcard
- ☒ Request for Continued Examination (RCE)/\$740 Check  
Check No. 12993
- ☒ Request for Extension of Time/\$810 Check  
Check No. 12992
- ☒ Fee Transmittal for FY 2001

are being facsimiled to the Commissioner for Patents, Washington, D.C. 20231, for filing in the above application.

March 15, 2002

Date of Deposit

Diane Zynn

Name of person mailing paper or fee

Diane Zynn  
Signature

S.N. 08/808,315 File No. 81880.0087 Date Mailed October 24, 2001 By: LJM/DSZ

Title: SAPPHIRE SINGLE CRYSTAL, SEMICONDUCTOR LASER  
DIODE USING THE SAME FOR SUBSTRATE, AND METHOD FOR  
MANUFACTURING THE SAME (As Amended)

(Client Name) Kyocera

The Following, due \_\_\_\_ in the U.S. Patent & Trademark Office was received  
in the Patent & Trademark Office on the date stamped hereon:

- ☒ Request for Continued Examination (RCE)/\$740 Check  
Check No. 12993
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Check No. 12992

*Fee Transmittal for FY2001*

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